

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DAVID RAY GUTIERREZ,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-14-591-C
)	
ROBERT PATTON, Director,)	
Oklahoma Department of Corrections,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Suzanne Mitchell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Mitchell entered a Report and Recommendation on November 3, 2014, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Petitioner does not dispute the factual findings or legal conclusions of the Report and Recommendation, but merely once again argues he was wrongly convicted. Nothing in his Objection serves to excuse the untimeliness of his Petition.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief is dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 19th day of November, 2014.

A handwritten signature in blue ink, reading "Robin J. Cauthron", is written over a horizontal line.

ROBIN J. CAUTHRON
United States District Judge